

ALABAMA COURT OF CIVIL APPEALS

Shawn Barnett v. Brooklyn Barnett

Barnett · No. CL-2025-0748 · Decided March 20, 2026

SUMMARY

The Alabama Court of Civil Appeals reviews a protection-from-abuse order entered against Shawn Barnett in favor of his daughter, Brooklyn Barnett. The court concludes that the trial judge's ex parte communication with Brooklyn, altered order of proof, accommodations to the pro se petitioner, and admission of a sequestration-rule witness created due-process concerns and an appearance of judicial partiality. The court reverses the order and remands for a new trial before a different judge.

CASE DETAILS

COURT	Alabama Court of Civil Appeals
WRITING FOR THE COURT	Edwards, J.; Moore, P.J.; Hanson, J.; Fridy, J.; Bowden, J.
JURISDICTION	Alabama Court of Civil Appeals
DECIDED	March 20, 2026
DOCKET	CL-2025-0748
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from a one-year protection-from-abuse order entered after a hearing in which the trial court found that Shawn Barnett had committed an act of domestic violence against Brooklyn Barnett.
STANDARD OF REVIEW	The appellate court reviewed the trial proceedings for compliance with due process and judicial-impartiality requirements, considered the trial court's discretion over trial conduct and witness presentation, and applied the Rule 45, Ala. R. App. P., requirement that an error probably injuriously affect substantial rights.
PRECEDENTIAL VALUE	precedential
PARTIES	Shawn Barnett v. Brooklyn Barnett

TOPICS

- domestic violence
- family law procedure
- due process
- appellate procedure
- evidence

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court's ex parte communications with the PFA petitioner and conduct during the hearing deprived Shawn of due process and created an appearance of judicial impartiality requiring disqualification.
2. Whether requiring the respondent to present his defense before the petitioner presented her complete case improperly affected the petitioner's burden of proof and prejudiced the respondent.
3. Whether permitting a witness who had remained in the courtroom after invocation of the rule of sequestration to testify deprived Shawn of a fair opportunity to rebut the testimony.
4. Whether the overall conduct of the PFA proceeding required reversal and a new trial before a different judge.

HOLDINGS

1. The trial judge's informal, unrecorded ex parte communication with the PFA petitioner, reliance on information obtained during that communication, solicitous treatment of the petitioner, and questioning of the respondent before hearing the petitioner's case created a reasonable basis for questioning the judge's impartiality and required a new trial before a different judge.
2. Requiring Shawn, as the respondent, to present his defense before Brooklyn presented her complete case could have shifted the statutory burden of proof and prejudiced Shawn's ability to rebut later testimony; in the circumstances of this case, that procedure contributed to a denial of a fair proceeding.
3. Although the trial court generally has discretion over the calling of witnesses and enforcement of sequestration, allowing Haynes to testify after she had remained in the courtroom, combined with the other procedural irregularities, prejudiced Shawn's ability to rebut her testimony and contributed to the denial of due process.
4. A court's practice of having a judicial assistant review a pro se PFA petition and having the judge privately discuss the petition with the petitioner appears to contravene Ala. Code 1975, § 30-5-5(b), and the Alabama Canons of Judicial Ethics; the procedure should be discontinued.

KEY QUOTATIONS

“Generally, due process requires that litigants be permitted the opportunity to present evidence and to cross-examine the witness against them at a trial before an impartial judge.” (11)

“When we examine the overall conduct of the trial-court judge during the PFA proceeding, we agree with Shawn that reversal of the PFA order is warranted.” (14)

“REVERSED AND REMANDED WITH INSTRUCTIONS.” (17)

FACTUAL BACKGROUND

Brooklyn Barnett alleged that her father, Shawn Barnett, had charged at her, threatened to beat her to death and burn down her house, repeatedly appeared at her residence, and threatened to evict her. The trial court entered an ex parte PFA order and, after a hearing, entered a one-year order finding that Shawn had committed domestic violence. Before and during the hearing, the trial judge had an informal, unrecorded private discussion with Brooklyn, questioned Shawn first so that Brooklyn could settle down, relied on information Brooklyn had provided privately, and allowed Brooklyn's aunt, Theresa Haynes, to testify despite her presence in the courtroom after sequestration had been invoked. The trial court denied Shawn's postjudgment motion, finding that he had received due process and that Brooklyn's and Haynes's testimony was more credible.

PROCEDURAL HISTORY

Brooklyn Barnett petitioned the Winston Circuit Court for a protection-from-abuse order under the Alabama Protection from Abuse Act. The trial court entered an ex parte order, later conducted a hearing, and entered a one-year PFA order against Shawn Barnett. The trial court denied Shawn's postjudgment motion challenging the procedure, due process, judicial impartiality, witness sequestration, and sufficiency of the evidence. The Alabama Court of Civil Appeals reversed and remanded for a new trial before a different judge.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Conduct a new trial on the PFA petition before a different judge.

CASES CITED

- Ex parte C.C., 385 So. 3d 1013, 1016 (Ala. Civ. App. 2023)
- Ex parte James, 713 So. 2d 869, 874 (Ala. 1997)
- Marshall v. Jerrico, Inc., 446 U.S. 238, 242 (1980)
- Crews v. Houston Cnty. Dep't of Pensions & Sec., 358 So. 2d 451, 455 (Ala. Civ. App. 1978)
- In the Matter of Sheffield, 465 So. 2d 350, 356 (Ala. 1984)
- Bryars v. Bryars, 485 So. 2d 1187, 1189 (Ala. Civ. App. 1986)
- Ex parte J.C., 165 So. 3d 623, 625 (Ala. Civ. App. 2014)
- Christiansen v. Hall, 567 So. 2d 1338, 1341 (Ala. Civ. App. 1990)
- Drs. Lane, Bryant, Eubanks & Dulaney v. Otts, 412 So. 2d 254, 259 (Ala. 1982)
- Wu v. Wu, 37 So. 3d 792, 797 (Ala. Civ. App. 2009)
- Black v. Ford Motor Co., 600 So. 2d 1029, 1033 (Ala. Civ. App. 1992)
- Boros v. Baxley, 621 So. 2d 240, 243 (Ala. 1993)
- Hubbard v. Montgomery, 372 So. 2d 315, 317 (Ala. 1979)
- In re Murchison, 349 U.S. 133, 136 (1955)
- Offutt v. United States, 348 U.S. 11, 14 (1954)

- Ex parte Atchley, 951 So. 2d 764, 768-69 (Ala. Crim. App. 2006)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/alabama-court-of-civil-appeals-alabama-court-of-civil-appeals/2026/shawn-barnett-v-brooklyn-barnett-i092lvzu>